

EXHIBIT 1

Clerk of the Superior Court
*** Electronically Filed ***
C. Cuellar, Deputy
5/11/2022 10:06:44 AM
Filing ID 14293602

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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

JANE DOE

Plaintiff(s),

Case No. CV2022-005993

v.

THE MESA PUBLIC SCHOOL DISTRICT, et
al.

SUMMONS

Defendant(s).

To: THE MESA PUBLIC SCHOOL DISTRICT

**WARNING: THIS AN OFFICIAL DOCUMENT FROM THE COURT THAT
AFFECTS YOUR RIGHTS. READ THIS SUMMONS CAREFULLY. IF YOU DO
NOT UNDERSTAND IT, CONTACT AN ATTORNEY FOR LEGAL ADVICE.**

1. A lawsuit has been filed against you. A copy of the lawsuit and other court papers were served on you with this Summons.
2. If you do not want a judgment taken against you without your input, you must file an Answer in writing with the Court, and you must pay the required filing fee. To file your Answer, take or send the papers to Clerk of the Superior Court, 201 W. Jefferson, Phoenix, Arizona 85003 or electronically file your Answer through one of Arizona's approved electronic filing systems at <http://www.azcourts.gov/efilinginformation>.
Mail a copy of the Answer to the other party, the Plaintiff, at the address listed on the top of this Summons.
Note: If you do not file electronically you will not have electronic access to the documents in this case.
3. If this Summons and the other court papers were served on you within the State of Arizona, your Answer must be filed within TWENTY (20) CALENDAR DAYS from the date of service, not counting the day of service. If this Summons and the other court papers were served on you outside the State of Arizona, your Answer must be filed within THIRTY (30) CALENDAR DAYS from the date of service, not counting the day of service.

Requests for reasonable accommodation for persons with disabilities must be made to the court by parties at least 3 working days in advance of a scheduled court proceeding.

GIVEN under my hand and the Seal of the Superior Court of the State of Arizona in and for the County of MARICOPA

SIGNED AND SEALED this Date: *May 11, 2022*

JEFF FINE
Clerk of Superior Court

By: *CECILIA CUELLAR*
Deputy Clerk



Requests for an interpreter for persons with limited English proficiency must be made to the division assigned to the case by the party needing the interpreter and/or translator or his/her counsel at least ten (10) judicial days in advance of a scheduled court proceeding.

If you would like legal advice from a lawyer, contact Lawyer Referral Service at 602-257-4434 or <https://maricopabar.org>. Sponsored by the Maricopa County Bar Association.

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Attorneys for Plaintiffs

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

JANE DOE, an individual;

Case No.: CV2022-005993

Plaintiff,

vs.

COMPLAINT

(Tort – Non-Motor Vehicle)

THE MESA PUBLIC SCHOOL
 DISTRICT, a government entity; VICTOR
 RODRIGUEZ and JANE DOE
 RODRIGUEZ, husband and wife; JANE
 DOES I-V; JOHN DOES I-V; ABC
 CORPORATIONS I-X; XYZ
 PARTNERSHIPS I-X,

(Rule 26.2 Discovery Tier III)

Defendants.

Plaintiff Jane Doe (“Plaintiff”), by and through counsel undersigned, for her
 Complaint against Defendants, and each of them, allege as follows:

1. Plaintiff Jane Doe was at all times relevant hereto, a resident of Maricopa
 County, Arizona. Plaintiff is now eighteen years old. Defendants are aware of Plaintiff’s
 true name which are being withheld because of a desire for privacy. Upon motion
 pursuant to Rule 17, Arizona Rules of Civil Procedure, by an appropriate party, further
 disclosure of the true name of Plaintiff will be made as required by law.

2. The claims set forth herein arise out of a sexual assault against Plaintiff by
 an employee/agent of Defendant Mesa Public School District.

1 3. Defendant Mesa Public School District (hereinafter "School District") is a
2 political body of the State of Arizona.

3 4. The acts and omissions set forth herein occurred in the State of Arizona.

4 5. The amount in controversy exceeds the jurisdictional limits of this Court.

5 6. That Defendants John Does I-X, Jane Does I-X, ABC Corporations I-X and
6 XYZ Partnerships I-X, are fictitious names, representing the Defendants, whether
7 singular or plural; masculine or feminine; corporate or individual; married or unmarried;
8 whose true names and relationships to this case are unknown to Plaintiff at this time, and
9 will be substituted later by amendment.
10

11 7. At all times material hereto Victor Rodriguez ("Rodriguez") was an
12 employee and/or agent of Defendant School District and at all time material hereto was
13 acting within the course and scope of his employment/agency with Defendant School
14 District. Rodriguez was a facility assistant and janitor for Defendant School District and
15 worked at Summit Academy where Plaintiff was a student.

16 8. While employed by Defendant and while on Defendant's property,
17 Rodriguez exhibited sexual predatory behavior that was obvious to other employees and
18 supervisors.
19

20 9. Employees/agents of Defendant knew that Rodriguez had used social
21 media to lure a student out of class and meet him behind a school building. Defendant
22 knew that Rodriguez had exhibited other behavior that no rational educator or agent of
23 Defendant could deem as anything other than highly and grossly inappropriate behavior.

24 10. Despite being aware of Rodriguez's predatory behavior by Defendant's
25 employees and agents, as described in the previous paragraph, Defendant took no action
26 and this constitutes actual knowledge by Defendant of Rodriguez's predatory behavior
27 and resulting sexual assaults of Plaintiff.
28

1 11. While employed by Defendant, Rodriguez repeatedly sexually assaulted
2 Plaintiff.

3 12. Rodriguez's sexual assaults upon Plaintiff began in 2017, after Defendant
4 had been aware of his use of social media to attempt to lure a student to meet him behind
5 a school building, and continued until 2021.

6 13. Upon information and belief, Rodriguez found Plaintiff on Instagram and
7 began sending her inappropriate messages of a sexual nature.

8 14. Rodriguez would tell Plaintiff that how he would look at her while she was
9 at school.

10 15. Thereafter, Rodriguez convinced Plaintiff to communicate with him
11 through Snap Chat because the messages could not be saved once they had been opened
12 and viewed by the recipient.

13 16. Rodriguez told Plaintiff to not screenshot any messages he sent her through
14 Snap Chat.

15 17. Rodriguez was aware that Plaintiff was a minor, as he mentioned to her that
16 he could get into trouble communicating with her because of her young age.

17 18. On Snap Chat, Rodriguez would send sexually explicit messages to
18 Plaintiff, pictures of his genitals and videos of him touching himself sexually. He would
19 ask Plaintiff to send him pictures of herself naked.

20 19. Sometime between May 2017 and May 2018, Rodriguez asked Plaintiff to
21 meet him at 2:00 A.M. He then drove to Plaintiff's house in his Dodge SUV, picked her
22 up, drove a few houses down the street from her home and parked. He then moved her to
23 the backseat of his vehicle and began removing his clothes and touching Plaintiff with
24 his hands on her rear-end, breasts, hips and between her legs.

1 20. Upon information and belief, during this encounter, Rodriguez had sexual
2 intercourse with Plaintiff, including oral sex on her, oral sex on him, and penile-vaginal
3 penetration.

4 21. Upon information and belief, Plaintiff was scared during this encounter and
5 stated that she felt nasty afterwards.

6 22. A few months after this encounter, Rodriguez went to Plaintiff's home in
7 the early morning, before she was to go to school. After entering Plaintiff's bedroom, he
8 began to remove his clothes and told Plaintiff to undress as well. He then proceeded to
9 have sexual intercourse with Plaintiff in a similar fashion as their first encounter. During
10 this incident, he took pictures and video of Plaintiff during sexual intercourse.

11 23. In February 2020, Rodriguez asked Plaintiff to meet him in the parking lot
12 of a community pool near her home. When Plaintiff arrived, Rodriguez was waiting for
13 her in the back seat of his maroon colored Ford truck. Plaintiff attempted to pull away
14 from Rodriguez at some point during the encounter when he was attempting to kiss her,
15 and he was aware that she was not comfortable because he asked multiple times if she
16 was okay. He nevertheless proceeded to have sexual intercourse with Plaintiff, who told
17 him afterwards that she did not want to do that anymore.

18 24. In two separate incidents between February and May 2020, Rodriguez had
19 sexual intercourse with Plaintiff at least two times, including penile-vaginal penetration
20 and oral sex.

21 25. In both encounters, Plaintiff told Rodriguez that she did not want to
22 perform oral sex on him. However, he would push her head down onto his penis. Plaintiff
23 could tell that Rodriguez enjoyed her refusal so that he could push her head down onto
24 him.

25 26. Rodriguez enjoyed choking Plaintiff during sexual intercourse, often to the
26 point that it became difficult for Plaintiff to breathe or talk.

1 27. In January 2021, Rodriguez, even after being contacted by police about
2 accusations against him, attempted to solicit explicit photographs from Plaintiff via text
3 and FaceTime.

4 28. Rodriguez has been indicted on multiple counts of sexual molestation,
5 sexual assault, and attempted molestation. All his victims were classmates of Plaintiff.

6 29. Despite being aware of Rodriguez's sexual predatory behavior, Defendants
7 failed to take any action to supervise, investigate and stop Rodriguez's sexual predatory
8 behavior.

9 30. Complaints regarding the predatory behavior of Rodriguez were ignored
10 by Defendants.

11 31. The repeated observations of Rodriguez's predatory behavior by
12 Defendants employees and agents, as described in the previous paragraphs constitute
13 actual knowledge by Defendants of Rodriguez's predatory behavior and resulting sexual
14 assaults of Plaintiff.

15 32. While employed by Defendants and/or while on Defendants' property,
16 Rodriguez sexually assaulted Plaintiff.

17 33. Defendant School District failed to properly train and supervise its
18 employees with respect to identifying and reporting sexual predatory behavior.

19 34. Defendant School District had customs, practices and/or policies that failed
20 to adequately guard students and children from sexual abuse and amounted to deliberate
21 indifference.

22 35. Defendant School District's deliberate indifference was a moving force
23 behind Rodriguez's sexual assaults of Plaintiff.

24 36. The sexual assaults on Plaintiff by Rodriguez would not have occurred had
25 Defendant School District established customs, practices and/or policies that adequately
26 guarded students and children from sexual abuse.
27
28

COUNT ONE

39. Plaintiff re-alleges and incorporate herein by reference all preceding paragraphs.

41. Defendants had a duty to use reasonable care in the supervision and training of its employees to identify and report sexually predatory behavior and grooming. Defendants failed to use reasonable care and were negligent in the supervision and training of its employees to identify and report sexually predatory behavior and grooming.

COUNT TWO

43. Plaintiffs re-allege and incorporate herein by reference all preceding paragraphs.

45. Rodriguez, while on property of Defendant School District and while in their employment, sexually abused Plaintiff, thereby violating her constitutionally protected right to be free from sexual abuse.

47. Defendant School District's custom, practices and/or policies, and lack thereof, were a moving force behind Defendant Rodriguez's violation of Plaintiff's constitutionally protected right to be free from sexual abuse.

48. As a direct and proximate cause of Defendant School District's violation of Plaintiff's constitutional rights, negligence, Plaintiff has suffered the damages set forth in paragraphs below.

49. As a direct and proximate result of Defendants' negligence and/or violation of Plaintiff-s' constitutional rights, Plaintiffs has suffered serious and permanent injuries, and as a direct result of those injuries was required to incur medical expenses and may be forced to incur additional further medical expenses.

50. As a direct and proximate result of Defendants' negligence and/or violation of Plaintiff's constitutional rights, Plaintiff has endured great pain, suffering, and aggravation, and inconvenience, mental and emotional distress in her life and day-to-day activities, all of which will continue well into the future.

1 51. As a direct and proximate result of Defendants' negligence and/or violation
2 of Plaintiff's constitutional rights, Plaintiff has suffered a loss of quality and enjoyment
3 of life, all of which will continue well into the future.

4 **WHEREFORE**, Plaintiff prays for judgment against Defendants for such a sum
5 of money within the jurisdiction of the Court and for full and complete compensation,
6 for general and special damages, for the losses that she sustained in this matter, and for
7 such other and further relief as the Court and jury deems just and proper in the premises.
8

9 **STATEMENT OF TIER VALUE**

10 Consistent with the factors and characteristics identified in the lawsuit above, this
11 matter is a non-motor vehicle tort, and pursuant to Rule 26.2(b) of the Arizona Rules of
12 Civil Procedure, the damages sought in this case qualify it as a Tier 3 case.
13

14 **DATED** this 11th day of May, 2022.

15 **PHILLIPS LAW GROUP, PC**
16

17 By: /s/Nasser Abujbarah, Esq.
18 Timothy G. Tonkin, Esq.
19 Nasser Abujbarah, Esq.
20 Attorneys for Plaintiffs
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Defendant(s).

**CERTIFICATE OF
COMPULSORY ARBITRATION**

I certify that I am aware of the dollar limits and any other limitations set forth by the Local Rules of Practice for the Maricopa County Superior Court, and I further certify that this case IS NOT subject to compulsory arbitration, as provided by Rules 72 through 77 of the Arizona Rules of Civil Procedure.

RESPECTFULLY SUBMITTED this

By: Nasser Abujbarah /s/
Plaintiff/Attorney for Plaintiff